

IN RE: PETITION FOR ZONING VARIANCE
S/S HAWANI ROAD, 559' +/-
E of Dale Avenue
(4713 HAWANI ROAD)
14th Election District
6th Councilmanic District
Robert V. Hare, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-498-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 2 feet in lieu of the required 12 feet and to allow a total side yard setback of 10 feet in lieu of the required 20 feet for a proposed addition, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protests.

Testimony indicated that the subject property, known as 4713 HAWANI ROAD, is zoned D.R. 5.5. The Petitioners propose constructing a one story addition onto the existing dwelling in order to accommodate their growing family's needs. Testimony indicated that in order to construct an addition which will be functional, it must be placed in the location proposed. Due to the layout of the property and location of the existing dwelling, the proposed addition cannot be placed without the requested variances. The Petitioners testified that they spoke to their adjoining neighbors who have no objection to their plans.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted; in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of June, 1988 that the Petition for Zoning Variance to permit a side yard setback of 2 feet in lieu of the required 12 feet, and a total side yard setback of 10 feet in lieu of the required 20 feet, for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall not request any additional variances to construct any other additions on the subject property.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

June 17, 1988

Mr. & Mrs. Robert V. Hare
4713 HAWANI ROAD
BALTIMORE, MARYLAND 21206

RE: PETITION FOR ZONING VARIANCE
S/S HAWANI ROAD, 559' +/- E of Dale Avenue
14th Election District; 6th Councilmanic District
Case No. 88-498-A

Dear Mr. & Mrs. Hare:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:mjs
Enclosure
cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., May 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1988.

TOWSON TIMES,

S. Zabe Orlem
Publisher

52.20

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on: June 13, 1988 at 10:00 a.m.
Petition for Zoning Variance
Case Number: 88-498-A
S/S HAWANI ROAD, 559' +/- E of Dale Avenue
(4713 HAWANI ROAD)
14th Election District - 6th Councilmanic District
Petitioners: Robert V. Hare, et ux
Hearing Scheduled: MONDAY, JUNE 13, 1988 at 10:00 a.m.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of and permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing as above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
1-23N, May 25, 1988

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., May 26, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 26, 1988.

THE JEFFERSONIAN,

S. Zabe Orlem
Publisher

\$31.50

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on: June 13, 1988 at 10:00 a.m.
Petition for Zoning Variance
Case Number: 88-498-A
S/S HAWANI ROAD, 559' +/- E of Dale Avenue
(4713 HAWANI ROAD)
14th Election District - 6th Councilmanic District
Petitioners: Robert V. Hare, et ux
Hearing Scheduled: MONDAY, JUNE 13, 1988 at 10:00 a.m.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of and permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing as above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
5356 May 26

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1429 Date of Posting: 5/27/88
Posted for: Robert V. Hare, et ux
Petitioner: 4713 HAWANI RD, 559' +/- E of Dale Ave
Location of property: 4713 HAWANI RD
Location of Sign: Being Placed on S/S of Property at 4713 HAWANI RD
Remarks: See Attached
Posted by: [Signature] Date of return: 5/27/88
Number of Signs: 1

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-498-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2.B to allow a side yard setback of 2 feet in lieu of the required 12 feet and to allow a total side yard setback of 10 feet in lieu of the required 20 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

We are asking permission to build a one story bedroom and family room addition to our small home to accommodate our growing family of five and possibly our elderly father in the near future. Having to depend on a single fixed income we feel it would be a financial hardship to relocate our family to an area that can offer us what Dalewood already has. Such as public schools our three children can walk to within five minutes driving time with our father at our side.

above Variance advertising, posting, etc. upon filing of this to be bound by the zoning regulations and restrictions of the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
ROBERT VERNON HARE
(Type or Print Name)

Robert Hare
Signature

DAWN ANN HARE
Signature

Dawn Ann Hare
Signature

4713 HAWANI RD 88-498-A
Address Phone No.

Baltimore, Md. 21206
City and State

Name, address and phone number of legal owner, contractor purchaser or representative to be contacted

Name

Address

City and State

Attorney's Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of APRIL, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 County Office Building in Towson, Baltimore County, on the 13th day of JUNE, 1988, at 10 o'clock A.M.

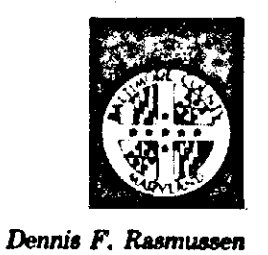
ESTIMATED LENGTH OF HEARING: 1 1/2 HRS. + 1 HR.
AVAILABLE FOR HEARING: MON./TUES./WED. - NEXT TWO MONTHS
OTHER: DATE 5-25-88
REVIEWED BY: [Signature] DATE 5-25-88 (over)

TITLE: PROPERTY DESCRIPTION

BEGINNING at a point on the south side of HAWANI ROAD a distance of 559 feet more or less east of the east side of Dale Avenue; thence binding on the south side of HAWANI ROAD south 80 degrees 33 minutes 20 seconds east, on the south side of property corner; thence south 80 degrees 33 minutes 20 seconds west 109.83 feet to property corner; thence south 80 degrees 33 minutes west 7.37 to property corner and thence north 3 degrees 10 minutes 12 seconds west 113.2 feet to place of beginning; said property being Lot 7 of Dalewood Addition Subdivision, Plat Book G.L.B. No. 21 Folio 78, and known as 4713 HAWANI ROAD.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Date: 5/31/88



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Robert Vernon Hare
4713 HAWANI ROAD
BALTIMORE, MARYLAND 21206

Re: Petition for Zoning Variance
CASE NUMBER: 88-498-A
S/S HAWANI ROAD, 559' +/- E of Dale Avenue
(4713 HAWANI ROAD)
14th Election District - 6th Councilmanic District
Petitioner(s): Robert V. Hare, et ux
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 10:00 a.m.

Dear Mr. & Mrs. Hare:

Please be advised that \$104.70 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

SALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52733
DATE: 6/13/88 ACCOUNT: R-01-615-002 OUTFS:
AMOUNT: \$ 104.70
RECEIVED FROM: Robert Hare
FOR: 6/13/88 Hearing
B 021*****1047058-12498-A
VALIDATION OR SIGNATURE OF CARRIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

April 19, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance

CASE NUMBER: 88-498-A
55 Mawani Road, 55' x 132' of Dale Avenue
(4713 Mawani Road)
14th Election District - 8th Councilmember
Petitioner(s): Robert V. Hare, et ux
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 10:00 a.m.

Variance to allow a side yard setback of 2 feet in lieu of the required 12 feet and to allow a total side yard setback of 10 feet in lieu of the required 20 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Robert Vernon Hare, et ux
File

R. 6 ZONE

10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 204).

211.2 - Front Yard - For dwellings, the front building line shall be not less than 23 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings - 40 feet from the front lot line and not less than 45 feet from the center line of the street, except as specified in Section 303.1.

211.3 - Side Yards - For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 23 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4 - Rear Yard - 30 feet deep.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 27, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Robert V. Hare
4713 Mawani Road
Baltimore, Maryland 21206

RE: Item No. 353 - Case No. 88-498-A
Petitioner: Robert V. Hare, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Hare:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petitions #88-480-A, 88-481-A, 88-482-A, 88-483-A, 88-484-A, 88-485-A, 88-486-A, 88-487-A, 88-488-A, 88-489-A, 88-490-A, 88-491-A, 88-492-A, 88-493-A, 88-494-A, 88-495-A, 88-496-A, 88-497-A, 88-498-A, 88-499-A, 88-500-A, 88-501-A, 88-502-A, 88-503-A, 88-504-A, 88-505-A

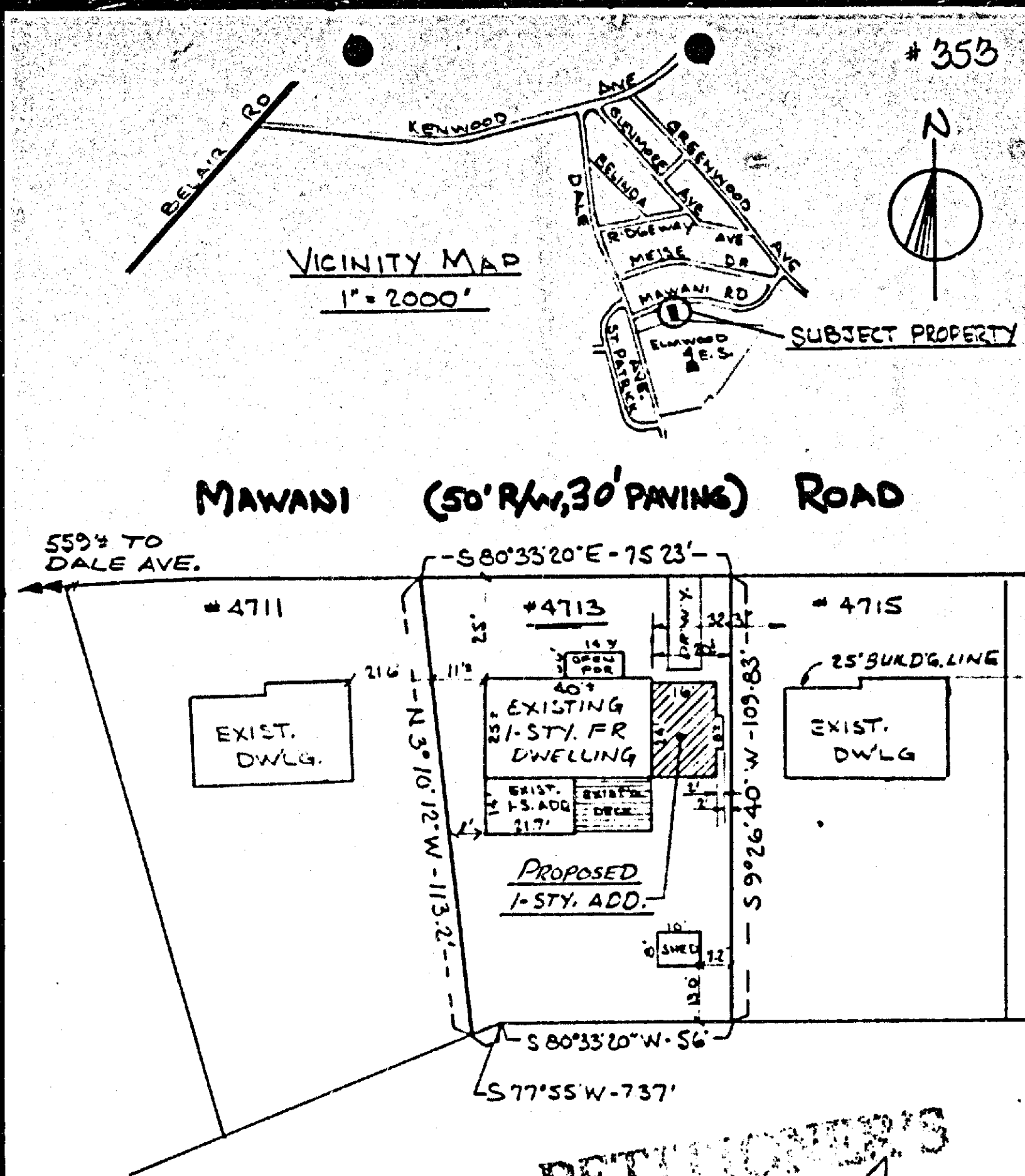
There are no comprehensive planning factors requiring comments on these petitions.

PDF/jat

RECEIVED
MAY 17 1988
ZONING OFFICE

cc: Mr. & Mrs. Hare
5/18/88

CPS-008



PLAT for ZONING VARIANCE 4713 MAWANI ROAD

OWNER: ROBERT & DAWN HARE LOT SIZE: 7611.5 SQ. FT.
4713 MAWANI RD. .17 ACRES

DISTRICT - 14, ZONED: DR 5.5 # 353

SUBDIVISION - DALEWOOD ADDITION

LOT 7, PLATBOOK G.L.B. No. 21, FOLIO 7B

NOTE: EXISTING UTILITIES IN MAWANI RD.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

May 10, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 348, 349, 350, 351, 352, 353, 355, 356 and 357.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
MAY 18 1988
ZONING OFFICE

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
6th day of April, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Robert V. Hare, et ux
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

April 14, 1988

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Robert V. Hare, et ux

Location: S/S Mawani Rd., 55' x E. of Dale Avenue

Item No.: 353

Zoning Agenda: Meeting of 4/5/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and
Planning Group Approved: [Signature]
Special Inspection Division

/s/